

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00189-TSC**

STEIN v. CENTRAL INTELLIGENCE AGENCY et al
Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 01/31/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

JEFFREY STEIN

represented by **Kelly Brian McClanahan**
NATIONAL SECURITY COUNSELORS
4702 Levada Terrace
Rockville, MD 20853
(301) 728-5908
Fax: (240) 681-2189
Email: kel@nationalsecuritylaw.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**CENTRAL INTELLIGENCE
AGENCY**

represented by **Michael Hendry Baer**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20530
(202) 305-8573
Fax: (202) 616-8470
Email: michael.h.baer@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eva Lucia Bitran
UNITED STATES DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Suite 7225
Washington, DC 20001
(202) 514-3259
Email: eva.bitran@usdoj.gov
TERMINATED: 08/24/2017

Lynn Yuhee Lee
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
P.O. Box 883
Washington, DC 20530
(202) 305-0531
Fax: (202) 616-8470
Email: lynn.lee@usdoj.gov
TERMINATED: 06/29/2018

Defendant

DEPARTMENT OF COMMERCE

represented by **Michael Hendry Baer**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Eva Lucia Bitran
(See above for address)
TERMINATED: 08/24/2017

Lynn Yuhee Lee
(See above for address)
TERMINATED: 06/29/2018

Defendant

DEPARTMENT OF DEFENSE

represented by **Michael Hendry Baer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eva Lucia Bitran
(See above for address)
TERMINATED: 08/24/2017

Lynn Yuhee Lee
(See above for address)
TERMINATED: 06/29/2018

Defendant

DEPARTMENT OF EDUCATION

represented by **Michael Hendry Baer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eva Lucia Bitran
(See above for address)
TERMINATED: 08/24/2017

Lynn Yuhee Lee
(See above for address)
TERMINATED: 06/29/2018

Defendant

DEPARTMENT OF JUSTICE

represented by **Michael Hendry Baer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eva Lucia Bitran
(See above for address)
TERMINATED: 08/24/2017

Lynn Yuhee Lee
(See above for address)
TERMINATED: 06/29/2018

Defendant

DEPARTMENT OF STATE

represented by **Michael Hendry Baer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eva Lucia Bitran
(See above for address)
TERMINATED: 08/24/2017

Lynn Yuhee Lee
 (See above for address)
TERMINATED: 06/29/2018

Defendant

**OFFICE OF THE DIRECTOR OF
 NATIONAL INTELLIGENCE**

represented by **Michael Hendry Baer**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eva Lucia Bitran
 (See above for address)
TERMINATED: 08/24/2017

Lynn Yuhee Lee
 (See above for address)
TERMINATED: 06/29/2018

Defendant

**OFFICE OF PERSONNEL
 MANAGEMENT**

represented by **Michael Hendry Baer**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eva Lucia Bitran
 (See above for address)
TERMINATED: 08/24/2017

Lynn Yuhee Lee
 (See above for address)
TERMINATED: 06/29/2018

| Date Filed | # | Docket Text |
|------------|----------|---|
| 01/31/2017 | <u>1</u> | COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-4824839) filed by JEFFREY STEIN. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons (10))(McClanahan, Kelly) (Entered: 01/31/2017) |
| 01/31/2017 | <u>2</u> | NOTICE OF RELATED CASE by JEFFREY STEIN. Case related to Case No. 17-72. (McClanahan, Kelly) (Entered: 01/31/2017) |
| 01/31/2017 | | Case Assigned to Judge Christopher R. Cooper. (zsb) (Entered: 01/31/2017) |
| 01/31/2017 | <u>3</u> | SUMMONS (10) Issued Electronically as to CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(zsb) (Entered: 01/31/2017) |
| 02/01/2017 | <u>4</u> | Case randomly reassigned to Judge Tanya S. Chutkan. Judge Christopher R. Cooper is no longer assigned to the case as it is not a related case. (ztnr) (Entered: 02/01/2017) |
| 02/09/2017 | <u>5</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTRAL INTELLIGENCE AGENCY served on 2/7/2017; DEPARTMENT OF COMMERCE served on 2/7/2017; DEPARTMENT OF DEFENSE served on 2/6/2017; DEPARTMENT OF EDUCATION served on 2/6/2017; DEPARTMENT OF JUSTICE served on 2/7/2017; DEPARTMENT OF STATE served on 2/7/2017; OFFICE OF PERSONNEL MANAGEMENT served on 2/6/2017; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE served on 2/7/2017, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/7/2017. (Answer due for ALL FEDERAL DEFENDANTS by 3/9/2017.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States |

| | | |
|------------|-----------|---|
| | | Attorney General. Date of Service Upon United States Attorney General 2/7/17. (Attachments: # <u>1</u> Exhibit)(McClanahan, Kelly) (Entered: 02/09/2017) |
| 02/27/2017 | <u>6</u> | AMENDED COMPLAINT against All Defendants filed by JEFFREY STEIN.(McClanahan, Kelly) (Entered: 02/28/2017) |
| 03/02/2017 | <u>7</u> | NOTICE of Appearance by Eva Lucia Bitran on behalf of All Defendants (Bitran, Eva) (Entered: 03/02/2017) |
| 03/14/2017 | <u>8</u> | ANSWER to <u>6</u> Amended Complaint by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. Related document: <u>6</u> Amended Complaint filed by JEFFREY STEIN.(Bitran, Eva) (Entered: 03/14/2017) |
| 04/28/2017 | | MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and proposed order not later than 5/18/17. Signed by Judge Tanya S. Chutkan on 4/28/17. (DJS) (Entered: 04/28/2017) |
| 05/02/2017 | | Set/Reset Deadlines: Joint Status Report due by 5/18/2017. (tb) (Entered: 05/02/2017) |
| 05/18/2017 | <u>9</u> | Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Bitran, Eva) (Entered: 05/18/2017) |
| 06/05/2017 | <u>10</u> | Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Bitran, Eva) (Entered: 06/05/2017) |
| 06/09/2017 | | MINUTE ORDER: The parties shall file a Joint Status Report and proposed order by 6/23/17. A Status Conference is hereby set for 6/26/17 at 10:30 a.m. in Courtroom 2. Signed by Judge Tanya S. Chutkan on 6/9/17. (DJS) (Entered: 06/09/2017) |
| 06/13/2017 | | Set/Reset Deadlines/Hearings: Joint Status Report due by 6/23/2017. Status Conference set for 6/26/2017 at 10:30 AM in Courtroom 2 before Judge Tanya S. Chutkan. (tb) (Entered: 06/13/2017) |
| 06/23/2017 | <u>11</u> | Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Bitran, Eva) (Entered: 06/23/2017) |
| 06/26/2017 | | MINUTE ORDER: For the reasons stated in court at the hearing held on 6/26/2017, Defendant CIA is ORDERED to complete its search for responsive records by 7/31/2017 and FURTHER ORDERED to begin producing documents to Plaintiff on 8/10/2017 and the 10th of every month thereafter. As indicated in court, the parties need not submit regular status reports, but instead should only notify the court if any issues with production arise. The parties shall also make every effort to confer and jointly submit any future proposals regarding production deadlines or briefing schedules. Signed by Judge Tanya S. Chutkan on 6/26/2017. (lctsc2) (Entered: 06/26/2017) |

| | | |
|------------|-----------|---|
| 06/26/2017 | | Minute Entry: Status Conference held on 6/26/2017 before Judge Tanya S. Chutkan: See Minute Order previously entered. (Court Reporter Pat Kaneshiro–Miller) (tb) (Entered: 06/26/2017) |
| 08/24/2017 | <u>12</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Lynn Yuhee Lee on behalf of All Defendants Substituting for attorney Eva Bitran (Lee, Lynn) (Entered: 08/24/2017) |
| 09/08/2017 | | MINUTE ORDER: The parties shall file a joint status report on 9/22/17 and every 90 days thereafter. To the extent the status report contains a proposed briefing schedule, the parties shall also submit a proposed order. Signed by Judge Tanya S. Chutkan on 9/8/17. (DJS) (Entered: 09/08/2017) |
| 09/08/2017 | | Set/Reset Deadlines: Joint Status Report due by 9/22/2017. (tb) (Entered: 09/08/2017) |
| 09/13/2017 | <u>13</u> | Consent MOTION for Extension of Time to <i>File Status Report</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Attachments: # <u>1</u> Text of Proposed Order)(Lee, Lynn) (Entered: 09/13/2017) |
| 09/19/2017 | | MINUTE ORDER: Granting <u>13</u> Consent Motion for Extension of Time to File Status Report. Joint status report due October 6, 2017, and every 90 days thereafter. Signed by Judge Tanya S. Chutkan on 9/19/17. (DJS) (Entered: 09/19/2017) |
| 09/20/2017 | | Set/Reset Deadlines: Joint Status Report due by 10/6/2017. (tb) (Entered: 09/20/2017) |
| 10/06/2017 | <u>14</u> | Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Lee, Lynn) (Entered: 10/06/2017) |
| 01/04/2018 | <u>15</u> | Joint MOTION for Extension of Time to <i>File Status Report</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Attachments: # <u>1</u> Text of Proposed Order)(Lee, Lynn) (Entered: 01/04/2018) |
| 01/05/2018 | | MINUTE ORDER: Granting <u>15</u> Joint Motion for Extension of Time to File Status Report. Next status report due January 12, 2018, and every 90 days thereafter. A proposed order shall accompany the report contains a proposed briefing schedule. Signed by Judge Tanya S. Chutkan on 1/5/18. (DJS) (Entered: 01/05/2018) |
| 01/12/2018 | <u>16</u> | Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Lee, Lynn) (Entered: 01/12/2018) |
| 01/31/2018 | | MINUTE ORDER: A Status Conference is hereby set for 10:30 am on 2/14/18 in Courtroom 9. Signed by Judge Tanya S. Chutkan on 1/31/18. (DJS) (Entered: 01/31/2018) |
| 02/13/2018 | | Set/Reset Hearings: Status Conference set for 2/14/2018 at 10:30 AM in Courtroom 9 before Judge Tanya S. Chutkan. (tb) (Entered: 02/13/2018) |
| 02/14/2018 | | Minute Entry for proceedings held before Judge Tanya S. Chutkan: Status Conference held on 2/14/2018. Joint Status Report due by 3/30/2018. (Court Reporter: Bryan Wayne) (gdf) (Entered: 02/14/2018) |
| 03/30/2018 | <u>17</u> | Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Lee, Lynn) (Entered: 03/30/2018) |

| | | |
|------------|-----------|--|
| 04/04/2018 | | MINUTE ORDER : The parties shall file a Joint Status Report and proposed order by April 13, 2018. Signed by Judge Tanya S. Chutkan on 4/4/18. (DJS) (Entered: 04/04/2018) |
| 04/04/2018 | | Set/Reset Deadlines: Joint Status Report and proposed order due by 4/13/2018. (jl) (Entered: 04/04/2018) |
| 04/13/2018 | <u>18</u> | Joint STATUS REPORT <i>and Proposed Schedule</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Attachments: # <u>1</u> Text of Proposed Order)(Lee, Lynn) (Entered: 04/13/2018) |
| 04/20/2018 | | MINUTE ORDER: Having considered the parties' joint status report <u>18</u> , it is hereby ordered that the parties shall adhere to the following briefing schedule: Defendants will file their summary judgment motion by July 17, 2018; Plaintiff will file his opposition and/or combined cross-motion for summary judgment by August 17, 2018; Defendants will file their reply and/or combined opposition to Plaintiff's cross-motion by September 10, 2018; Plaintiff will file his reply, if any, by September 28, 2018. Signed by Judge Tanya S. Chutkan on 4/20/18.(DJS) (Entered: 04/20/2018) |
| 04/23/2018 | | Set/Reset Deadlines: Summary Judgment motion due by 7/17/2018. Response and Cross Motion due by 8/17/2018. Reply and Response to Cross Motion due by 9/10/2018. Reply to Cross Motion due by 9/28/2018. (tb) (Entered: 04/23/2018) |
| 06/29/2018 | <u>19</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Michael Hendry Baer on behalf of All Defendants Substituting for attorney Lynn Y. Lee (Baer, Michael) (Entered: 06/29/2018) |
| 07/11/2018 | <u>20</u> | Consent MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Attachments: # <u>1</u> Text of Proposed Order)(Baer, Michael) (Entered: 07/11/2018) |
| 07/18/2018 | | MINUTE ORDER: Granting <u>20</u> Consent Motion for Extension of Deadlines. Defendants' summary judgment motion due August 7, 2018. Plaintiff's opposition and/or combined cross-motion for summary judgment due September 7, 2018. Defendants' reply and/or combined opposition due October 1, 2018. Plaintiff's reply, if any, due October 19, 2018. Signed by Judge Tanya S. Chutkan on 7/18/18. (DJS) (Entered: 07/18/2018) |
| 07/19/2018 | | Set/Reset Deadlines: Cross Motion due by 9/7/2018. Response to Cross Motion due by 10/1/2018. Reply to Cross Motion due by 10/19/2018. Summary Judgment motion due by 8/7/2018. Response to Motion for Summary Judgment due by 9/7/2018. Reply to Motion for Summary Judgment due by 10/1/2018. (tb) (Entered: 07/19/2018) |
| 08/03/2018 | <u>21</u> | Unopposed MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Attachments: # <u>1</u> Text of Proposed Order)(Baer, Michael) (Entered: 08/03/2018) |
| 08/13/2018 | | MINUTE ORDER: GRANTING Unopposed Motion <u>21</u> to Extend Deadlines. Defendants to file their summary judgment motion by August 24, 2018; Plaintiff to file his opposition and/or combined cross-motion for summary judgment by September 28, 2018; Defendants to file their reply and/or combined opposition to Plaintiff's cross-motion by October 18, 2018; Plaintiff to file his reply, if any, by November 5, 2018. Signed by Judge Tanya S. Chutkan on 8/13/18. (DJS) (Entered: 08/13/2018) |
| 08/14/2018 | | Set/Reset Deadlines: Cross Motion due by 9/28/2018. Response to Cross Motion due by 10/18/2018. Reply to Cross Motion due by 11/5/2018. Summary Judgment motion due by 8/24/2018. Response to Motion for Summary Judgment due by 9/28/2018. |

| | | |
|------------|-----------|--|
| | | Reply to Motion for Summary Judgment due by 10/18/2018. (tb) (Entered: 08/14/2018) |
| 08/24/2018 | <u>22</u> | MOTION for Summary Judgment by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Index, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10, # <u>13</u> Statement of Facts, # <u>14</u> Text of Proposed Order)(Baer, Michael) (Entered: 08/25/2018) |
| 09/28/2018 | <u>23</u> | Unopposed MOTION for Extension of Time to File Response/Reply as to <u>22</u> MOTION for Summary Judgment by JEFFREY STEIN (Attachments: # <u>1</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 09/28/2018) |
| 10/06/2018 | | MINUTE ORDER: Denying without prejudice <u>23</u> Plaintiff's Motion for Extension of Time to File Response/Reply. Plaintiff shall file a proposed order that includes the dates for all proposed extended deadlines. Signed by Judge Tanya S. Chutkan on 10/6/18.(DJS) (Entered: 10/06/2018) |
| 10/16/2018 | <u>24</u> | Unopposed MOTION for Extension of Time to File Response/Reply as to <u>22</u> MOTION for Summary Judgment (<i>Nunc Pro Tunc</i>) by JEFFREY STEIN (Attachments: # <u>1</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 10/16/2018) |
| 10/16/2018 | <u>25</u> | NOTICE of Change of Address by Michael Hendry Baer (Baer, Michael) (Entered: 10/16/2018) |
| 10/16/2018 | <u>26</u> | NOTICE OF FILING OF EXHIBITS IN TEXT-SEARCHABLE FORM by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE re <u>22</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10)(Baer, Michael) (Entered: 10/16/2018) |
| 10/19/2018 | | MINUTE ORDER: Granting <u>24</u> Unopposed Motion for Extension of Deadlines. Plaintiff's Consolidated Brief shall be filed no later than October 23, 2018. Defendant' Consolidated Reply shall be filed no later than November 30, 2018. Plaintiff's Reply shall be filed no later than December 21, 2018. Signed by Judge Tanya S. Chutkan on 10/19/18. (DJS) (Entered: 10/19/2018) |
| 10/22/2018 | | Set/Reset Deadlines: Brief due by 10/23/2018. Response due by 11/30/2018. Reply due by 12/21/2018. (tb) (Entered: 10/22/2018) |
| 10/23/2018 | <u>27</u> | Unopposed MOTION for Extension of Time to File Response/Reply as to <u>22</u> MOTION for Summary Judgment by JEFFREY STEIN (Attachments: # <u>1</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 10/23/2018) |
| 10/24/2018 | | MINUTE ORDER: Granting <u>27</u> Unopposed Motion for Extension of Time to File Response/Reply. Plaintiff's Consolidated Brief due October 30, 2018. Defendants' Consolidated Reply due December 7, 2018. Plaintiff's Reply due January 4, 2019. Signed by Judge Tanya S. Chutkan on 10/24/18. (DJS) (Entered: 10/24/2018) |
| 10/25/2018 | | Set/Reset Deadlines: Brief due by 10/30/2018. Response due by 12/7/2018 Reply due by 1/4/2019. (tb) (Entered: 10/25/2018) |
| 10/31/2018 | <u>28</u> | Memorandum in opposition to re <u>22</u> MOTION for Summary Judgment filed by JEFFREY STEIN. (Attachments: # <u>1</u> Exhibit A – MRU letter, # <u>2</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 10/31/2018) |
| 10/31/2018 | <u>29</u> | MOTION for Partial Summary Judgment by JEFFREY STEIN (Attachments: # <u>1</u> Exhibit A – MRU letter, # <u>2</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 10/31/2018) |

| | | |
|------------|-----------|---|
| 11/03/2018 | <u>30</u> | Unopposed MOTION for Extension of Time to File Response/Reply as to <u>22</u> MOTION for Summary Judgment (<i>Nunc Pro Tunc</i>) by JEFFREY STEIN (Attachments: # <u>1</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 11/03/2018) |
| 11/04/2018 | <u>31</u> | MOTION to Strike <u>26</u> Notice (Other),, <u>22</u> MOTION for Summary Judgment (<i>in part</i>) by JEFFREY STEIN (Attachments: # <u>1</u> Exhibit A – DMDC response, # <u>2</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 11/04/2018) |
| 11/04/2018 | <u>32</u> | ERRATA by JEFFREY STEIN <u>31</u> MOTION to Strike <u>26</u> Notice (Other),, <u>22</u> MOTION for Summary Judgment (<i>in part</i>) filed by JEFFREY STEIN. (Attachments: # <u>1</u> Exhibit – Corrected motion)(McClanahan, Kelly) (Entered: 11/04/2018) |
| 11/19/2018 | | MINUTE ORDER: Granting <u>30</u> Plaintiff's Motion for Extension of Time to File Response/Reply Nunc Pro Tunc. Signed by Judge Tanya S. Chutkan on 11/19/18. (DJS) (Entered: 11/19/2018) |
| 11/19/2018 | <u>33</u> | Memorandum in opposition to re <u>31</u> MOTION to Strike <u>26</u> Notice (Other),, <u>22</u> MOTION for Summary Judgment (<i>in part</i>) filed by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Baer, Michael) (Entered: 11/19/2018) |
| 11/23/2018 | <u>34</u> | Unopposed MOTION for Extension of Time to File Response/Reply as to <u>31</u> MOTION to Strike <u>26</u> Notice (Other),, <u>22</u> MOTION for Summary Judgment (<i>in part</i>) by JEFFREY STEIN (Attachments: # <u>1</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 11/23/2018) |
| 11/25/2018 | | MINUTE ORDER: Granting <u>34</u> Unopposed Motion for Extension of Time to File Response/Reply. Plaintiff's Reply due 11/28/18. Signed by Judge Tanya S. Chutkan on 11/25/18. (DJS) (Entered: 11/25/2018) |
| 11/26/2018 | | Set/Reset Deadlines: Reply due by 11/28/2018. (tb) (Entered: 11/26/2018) |
| 11/28/2018 | <u>35</u> | REPLY to opposition to motion re <u>31</u> MOTION to Strike <u>26</u> Notice (Other),, <u>22</u> MOTION for Summary Judgment (<i>in part</i>) filed by JEFFREY STEIN. (McClanahan, Kelly) (Entered: 11/29/2018) |
| 11/29/2018 | <u>36</u> | MOTION to Stay re <u>22</u> MOTION for Summary Judgment , <u>29</u> MOTION for Partial Summary Judgment by JEFFREY STEIN (Attachments: # <u>1</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 11/29/2018) |
| 12/04/2018 | <u>37</u> | Unopposed MOTION for Extension of Time to File <i>Defendants' Opposition and Reply Brief</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Attachments: # <u>1</u> Text of Proposed Order)(Baer, Michael) (Entered: 12/04/2018) |
| 12/06/2018 | | MINUTE ORDER: Plaintiff's November 4, 2018 motion <u>31</u> to strike is DENIED. To the extent that Defendants' declarations contain legal arguments, the court will reach its own legal conclusions and regard the statements in the declarations as explanations of the declarant's understanding of the issues of the case. <i>See Ctr. for Auto Safety v. Nat'l Highway Traffic Safety Admin.</i> , 93 F. Supp. 2d 1, 12 (D.D.C. 2000) (denying motion to strike declarations on the basis that they contain legal arguments and conclusions because "any [s]tatements of ultimate fact and conclusions of law will be regarded simply as declarations of each affiant's understanding of the veracity of [the opposing party's] allegations, to the best of [the affiant's] knowledge"). Consequently, because the sole basis for Plaintiff's November 29, 2018 motion <u>36</u> to stay briefing is the pendency of his motion to strike, the motion to stay is also DENIED. Lastly, Defendants' December 4, 2018 unopposed motion <u>37</u> for an extension of time to file their opposition and reply brief is GRANTED. Defendants shall file their combined brief in opposition to Plaintiff's motion for summary and reply in support of Defendants' motion for summary judgment by December 21, 2018; and Plaintiff shall file his reply brief by February 1, 2019. Signed by Judge Tanya S. Chutkan on 12/6/2018. (lctsc1) (Entered: 12/06/2018) |

| | | |
|------------|-----------|---|
| 12/07/2018 | | Set/Reset Deadlines: Response to Cross Motion due by 12/21/2018. Reply to Cross Motion due by 2/1/2019. Reply to Motion for Summary Judgment due by 12/21/2018. (tb) (Entered: 12/07/2018) |
| 12/21/2018 | <u>38</u> | Memorandum in opposition to re <u>29</u> MOTION for Partial Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Attachments: # <u>1</u> Exhibit 1 – Suppl. Shiner Decl., # <u>2</u> Exhibit 2 – Suppl. Herrington Decl., # <u>3</u> Exhibit 3 – Suppl. Ford Decl., # <u>4</u> Exhibit 4– Suppl. Watters Decl., # <u>5</u> Exhibit 5 – Second OPM Vaughn, # <u>6</u> Statement of Facts (Response to Pl.'s Statement))(Baer, Michael) (Entered: 12/21/2018) |
| 12/21/2018 | <u>39</u> | REPLY to opposition to motion re <u>22</u> MOTION for Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF EDUCATION, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF PERSONNEL MANAGEMENT, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Attachments: # <u>1</u> Exhibit 1 – Suppl. Shiner Decl., # <u>2</u> Exhibit 2 – Suppl. Herrington Decl., # <u>3</u> Exhibit 3 – Suppl. Ford Decl., # <u>4</u> Exhibit 4– Suppl. Watters Decl., # <u>5</u> Exhibit 5 – Second OPM Vaughn)(Baer, Michael) (Entered: 12/21/2018) |